

**BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**

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Enforcement Action

Anthony (Tony) Jaramillo

Mr. Anthony (Tony) Jaramillo entered into a written contract with a consumer of geophysical services to provide a computer profile of subsurface conditions to locate groundwater on the consumer's property. Mr. Jaramillo, who is not a licensed geophysicist, has never studied geophysics but advertised his business on a Web site titled "Radar Water Geophysics." Mr. Jaramillo's website represented that he specialized in "aquifer location" and used "electronic techniques for analysis of groundwater resources" to "identify the aquifer's geologic characteristics" amongst other claims of technical proficiency. Mr. Jaramillo conducted a site geophysical reconnaissance, site inspection and evaluated the potential for subsurface water at the consumer's site. Therefore, Mr. Jaramillo practiced geophysics for others in the state of California in violation of the Geologists and Geophysicists Act.

The Board for Geologists and Geophysicists (Board) cited Mr. Jaramillo under Business and Professions Code for practicing or offering to practice geophysics for others in violation of section 7872, subdivision (a), and ordered him to pay a \$2,500 fine. Following an evidentiary hearing, the Administrative Law Judge (ALJ) found that Mr. Jaramillo was practicing geophysics without a license in violation of section 7872(a) and issued a proposed decision that sustained the citation and ordered him to pay the fine and cease and desist from violating the Geologists and Geophysicists Act. Subsequently, the Board adopted the ALJ's proposed decision.

Mr. Jaramillo challenged the Board's decision by filing for writ of mandate¹ (petition), which the Board opposed in Superior Court. The Superior Court denied Mr. Jaramillo's petition following oral argument. Mr. Jaramillo then filed a petition in the 4th District Appellate Court which the Board also opposed. The 4th District Appellate Court concluded that the Superior Court was correct and affirmed the Citation Order, including the standards of review and sufficiency of evidence that the Board had originally used in the citation.

The California Supreme Court was petitioned by Mr. Jaramillo to overturn the finding of the 4th District Appellate Court and on April 26, 2006, the California Supreme Court denied Mr. Jaramillo's petition review (D045949) (Super. Ct. No. GIC834315). Consequently, Mr. Jaramillo has been ordered to pay the \$2,500 fine.

A detailed summary of the final State of California Court of Appeal, 4th Appellate District decision is available by clicking on the above link.²

¹ Code of Civil Procedure section 1094.5.

² This opinion in the above-entitled matter was filed on January 12, 2006 and was ordered certified for publication as of that date.